

REMARKS

Claims 1, 8 and 11 have been amended. Claims 13-15 have been added. Attached as an APPENDIX is another version of the rewritten claims, marked up to show all the changes relative to the previous version of the claims. Upon entry of the amendments, claims 1, 4-9, 11 and 13-15 are pending in this application.

Independent claims 1 and 8

Independent claims 1 and 8 have been amended to include first and second constant entry guides, first and second separators, and first and second different and independent travel paths for respective first and second plies of multi-ply sheet stock material. Support for the amendments may be found, for example, at page 7, line 17 to page 8, line 3, and in Figs. 1 and 3.

Neither Johnson nor Ratzel disclose the combination of claims 1 and 8, in which first and second plies follow two different and independent "constant-entry-guide/separator" paths. Ratzel, by contrast, discloses multiple plies of sheet stock material following the same path around or over the constant entry guides 67 and 68.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 1 be withdrawn and that the claim be allowed. For similar reasons, it is respectfully requested that the rejection of claim 8, as well as dependent claim 9, be withdrawn and that these claims be allowed.

Independent claims 4 and 11

Independent claim 11 has been amended to include substantially similar language as that of independent claim 4, namely that the moving blade cuts the strip of cushioning across a strip path between a retracted position and an extended position, and that the shutter moves in trailing relation to the moving blade for substantially blocking the strip path when the moving blade is in its extended position. Support for the amendments may be found, for example, at page 11, line 23 to page 12, line 7, and in Figs. 4-7.

The Examiner takes issue with the term "substantially" (Page 3 of the previous Office Action "The claim ... only recites 'substantially' which is given a broad recitation.") The ordinary meaning of the term "substantially" is "being that specified to a large degree or in the main." See, for example, Webster's Third New International Dictionary, 1981. The term "substantially" is a word of approximation which avoids undue limits to the word that it modifies, in this instance "blocking the strip path". Thus, the shutter need not necessarily block the entire strip path (as is evident in Fig. 5) but rather all or almost all of the strip path. The courts have permitted use of such words. See, e.g., C.E. Equip. Co. v. United States, 13 USPQ.2d 1363 (Ct. Of Cl. 1989); Seattle Box Co. v. Industrial Crating and Packing, 731 F.2d 818, 829 (Fed. Cir. 1984)("substantially" provides some definitional leeway); Ex parte Wheeler, 163 USPQ 569 (1968).

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The intended function of the shutter of applicants' invention is to prevent movement of the cut end of a strip of dunnage from moving behind the moving blade.

A comparison of Fig. 5 of the present invention and Fig. 4 of Simmons is demonstrative.

As is set forth in Applicants' specification:

As seen in Fig. 5, the **cutting blade** is almost substantially clear of the outlet opening **[See Fig. 4 of Simmons]**. Heretofore, this allowed the cut end of the continuous dunnage strip 88 sometimes to move behind the moving blade after it has passed by and then interfere with the return stroke of the moving blade. Such movement of the cut end of the dunnage strip may arise from relaxation of the dunnage strip 88 particularly along the longitudinal axis of the dunnage strip.

See Specification, page 11, line 28 to page 12, line 5 (emphasis added). The extent to which the blade of Simmons blocks the strip path therein is minimal or insubstantial. In any event, the blade of Simmons certainly does not block all or almost all of the strip path. The claimed shutter addresses the problem of the cut end of the strip sometimes moving behind the moving blade:

The shutter functions to block such movement of the cut end behind the dunnage strip, thereby to permit unrestricted return movement of the moving blade to its rest position.... The shutter is also of sufficient size to **substantially** span the outlet opening when the moving blade is in its extended position, thereby preventing any movement of the cut end of the continuous dunnage strip behind the moving blade.

See Specification, page 12, lines 5-7 and lines 13-16 (emphasis added).

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Thus, the primary distinction between the claimed invention and Simmons is that in Simmons the moving blade is substantially clear of the strip path, thereby allowing the cut end of the strip to sometimes move behind the moving blade, and in the presently claimed invention the shutter that follows the moving blade substantially blocks the strip path, thereby preventing the cut end of the strip from moving behind the moving blade.

For at least the foregoing reasons, it is respectfully requested that the rejections of claims 4 and 11, and claims 5-7 and 12 which depend respectively therefrom, be withdrawn and that these claims be allowed.

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Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

Should a petition for an Extension of Time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary) petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Order No. RANPP0305USA.

Respectfully submitted,

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APPENDIX

In the Specification:

On page 1, at line 3, insert the following paragraph:

This application claims the benefit of provisional application No. 60/111,537, filed on December 9, 1998.

In the Claims:

Please amend claims 1, 8 and 11 as follows:

1. (Twice Amended) A cushioning conversion machine for converting multi-ply sheet stock material into a cushioning dunnage product, comprising a stock supply assembly which supplies stock material to be converted, and a conversion assembly which draws the stock material from the stock supply and converts the stock material into a strip of cushioning, wherein the stock supply assembly includes:

a damper member at an upstream end of the machine over which the multi-ply stock material is trained,

first and second constant entry guides disposed between the damper member and the conversion assembly for passage of first and second respective plies of the multi-ply stock material thereover, [wherein the damper member and the first and second constant entry guides define first and second paths which the first and second plies follow before passing over the respective first and second constant entry guides,] and

first and second [a plurality of] separators between the first and second constant entry guides and the conversion assembly between or around which the respective first and second plies pass before passage to the conversion assembly;

wherein the damper member, the first constant entry guide, and the first separator define a first path which the first ply follows, and the damper member, the

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second constant entry guide, and the second separator define a second path that is different and independent from the first path and which the second ply follows.

8. (Twice Amended) A method of converting multi-ply sheet stock material into a cushioning dunnage, comprising drawing the stock material from a stock supply and converting the stock material into a strip of cushioning, wherein first and second [at least two] plies of the stock material are guided along respective first and second different and independent paths [and passed] , the first path being characterized in that the first ply passes over [respective different] or around in sequence a first constant entry roller and a first separator and wherein the second path is characterized in that the second ply passes over or around in sequence a second constant entry roller and a second separator, the first and second constant entry rollers being [rollers] upstream of conversion components that convert the stock material into a strip of cushioning, and wherein the first and second separators are [plies pass between or around a plurality of separators] between the first and second constant entry guides and the conversion components.

11. (Amended) A conversion method for converting sheet stock material into a cushioning dunnage product, comprising drawing sheet stock material from a stock supply, converting the stock material into a strip of cushioning, and cutting the strip of cushioning using a moving blade to cut the strip of cushioning across a strip path between a retracted position and an extended position, wherein a shutter is moved in trailing relation to the moving blade for substantially blocking the strip path when the moving blade is in its extended position, thereby to prevent movement of a cut end of

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the strip from moving behind the moving blade as the moving blade slices through the strip of cushioning.

Please add new claims 13-15 as follows:

13. (New) A conversion machine as set forth in claim 4, wherein the moving blade and shutter are separate components having common movement.

14. (New) A conversion machine as set forth in claim 4, further including a second blade with which the moving blade coacts to sever the strip of cushioning.

15. (New) A conversion machine as set forth in claim 14, wherein the second blade is a stationary blade.

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